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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/519,759 03/06/00 EDMOND

J 99-0917

MMC1/0420

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EXAMINER

TRUONG, B

ART UNIT

PAPER NUMBER

2875

DATE MAILED:

04/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/519,759

Applicant(s)

EDMOND, JESSICA

Examiner

Bao Q. Truong

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. On page 3, line 27, "frame apparatus apparatus" should be changed to --frame apparatus--. Correction is required.
2. In the abstract, line 1, "A illuminated" should be changed to --An illuminated--. Correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 - 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nitz [US 4,901,209] in view of Hsu et al. [US 4,871,042].

Regarding claim 1, Nitz discloses a body frame [12] being formed of hollow tubular member and an illumination system [28] having batteries [30] and elongated optical fibers [40] (figures 1 and 6, column 2, lines 55 - 68 and column 3, lines 1 - 18). Nitz discloses everything except for: the solar panels.

Hsu et al. shows the use of solar cell board members [37] (figures 1 and 3, column 3, lines 24 - 34).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the solar cell board members of Hsu et al. in the illuminated

bicycle frame of Nitz for an illuminated bicycle frame apparatus in order to provide solar energy.

Regarding claim 2, Nitz discloses a bicycle frame having a distal portion, a proximal portion, a plurality of bars, a handle bar portion [22] and a seat mounting bar portion (figures 1 and 6).

Regarding claim 3, Nitz discloses an illumination unit [28] having a housing, a light [32], fiber optic cables [40] (figures 2, 6 and 7).

Regarding claim 4, Nitz discloses fiber optic cables being positioned inside hollow members (figure 3). Nitz discloses everything except for: the fiber optic cable receiving corridors having grooves therein.

It would have been obvious to one having ordinary skill in the art to place the fiber optic cable in corridors having grooves, since applicant has not disclosed that placing the fiber optic cable in corridors having grooves solves any new stated problem or is for any new particular purpose and it appears that the invention would perform equally well with fiber optic cables being positioned inside hollow members of Nitz.

Regarding claim 5, Nitz discloses a switch [34] (figure 2, column 2, line 68).

Regarding claim 6, Nitz discloses a battery [30] (figure 2, column 2, line 67).

Regarding claim 7, Nitz discloses a body frame [12] being formed of hollow tubular member and an illumination system [28] having batteries [30], a switch [34], a handle bar portion [22], a seat mounting bar portion and elongated optical fibers [40] (figures 1, 2, 3, 6 and 7, column 2, lines 55 - 68 and column 3, lines 1 - 18).

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Furthermore, Hsu et al. shows the use of solar cell board members [37] (figures 1 and 3, column 3, lines 24 - 34).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (703) 308-6452. The examiner can normally be reached on Monday-Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (703) 035-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7725 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Bao Q. Truong  
Examiner  
Art Unit 2875

BQT  
April 17, 2001

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800